

Minutes of the Judiciary and Law Enforcement Committee
September 17, 2010

Chair Jean Tortomasi called the meeting to order at 8:30 a.m.

Committee Members Present: County Board Supervisors Jean Tortomasi (Chair), Dave Falstad, Kathleen Cummings, Paul Decker, Steve Wimmer, Bill Zaborowski. **Absent:** Supervisor Peter Wolff.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Emergency Preparedness Director Richard Tuma, Clerk of Courts Kathleen Madden, Director of Public Works Allison Bussler, Architectural Services Manager Dennis Cerreta, Business Manager Bob Snow, District Court Administrator Mike Neimon, Business Services Administrator Donn Hoffmann, Judge Mac Davis, Budget Management Specialist Linda Witkowski.

Approve Minutes of August 13, 2010

MOTION: Zaborowski moved, second by Wimmer, to approve the minutes of August 13, 2010, as amended. Motion carried 4-0.

Correspondence

- Grant Application: Department of Emergency Preparedness – Emergency Management Office, Homeland Security NIMS & ICS Training Grant Program

Decker arrived at 8:33 a.m.

Reports from Committee Member Liaisons

- Wimmer stated that the CJCC-Huber Study Committee held their final meeting last week. The Committee's recommendations regarding the future of Huber and related programming will be ready for release soon.

Falstad arrived at 8:36 a.m.

- In addition to usual committee business, Cummings stated that the LEPC discussed scheduling a speaker to address Waukesha's risk in light of the recent gas pipeline explosion in California.
- Tortomasi reported on the progress of the CAD selection process. The proof of concept went very well. Hopefully the contract will be signed within days and the process will continue to move forward.

Executive Committee Meeting Report of September 9, 2010

Tortomasi stated that the Executive Committee began their capital projects review at the September 9th meeting. The review will continue at their next meeting, September 20, 2010. Tortomasi invited any Committee members interested in hearing the presentations to attend the meeting.

Future Meeting Date

- October 1, 2010

Future Agenda Items

- Update on the findings of the CJCC Huber Study Committee by CJCC Coordinator Rebecca Luczaj (Wimmer)

Ordinance 165-O-048: Modify The 2010 Capital Budget To Create Project 201009 – FBI/CJIS Security Audit Compliance

Marks, Severson and Hoffmann were present to discuss this project which will implement cellular based network infrastructure, address advanced authentication software, upgrade the mobile datalink and replace the mobile data computers to comply with the FBI security audit.

Marks explained that in May 2009 the FBI conducted a security audit of the technology environment that links the Sheriff Department mobile data computers (MDC) installed in each patrol car with the state (WJIS) and federal (CJIS) computer systems. The audit identified several areas that required immediate attention. The audit indicated the current system did not meet the login ID requirement for individual officers. Advanced authentication must be implemented that will ensure that the officer using the MDC is truly that officer and that he/she is authorized to access information from these sources. In addition, each MDC must be kept current with all security patches and upgrades issued by the software and hardware vendors, and a log of these actions must be kept. Marks also explained that the Sheriff's Department was informed by the State of Wisconsin that beginning in January 2011, tracking of the race of a driver and all occupants of a vehicle will be required during all traffic stops. The state has directed that the information is to be submitted through the TraCS computer system.

As the Committee members expressed their unfamiliarity with the new racial profiling requirement and questioned its legality, Severson discussed the background of the legislation of this new state law. There had been some political pressure because some communities were likely using race as profile indicators in making traffic stops. The legislature considered the issue and chose to mandate that law enforcement agencies begin tracking a variety of data for each traffic stop to help determine whether specific ethnic groups are being targeted. The capital project outlined in this ordinance would ensure that the county's infrastructure is capable of running the TraCS system and handling any necessary updates in order to comply with this new law.

Zaborowski asked how much additional time would be needed to collect and enter the race data. Severson was unsure, but suspected it would add a couple of minutes to each traffic stop. Marks said he did not anticipate any major issues once the system is in use and the officers are familiar with it. Zaborowski further inquired whether the state was providing any funding. Marks indicated there is no funding; however, the state is providing the software at no cost.

Wimmer asked if there are any other benefits, other than to solely comply with the new law. Marks said the biggest benefit, as previously indicated, is to comply with the FBI audit – this is a part of the overall project. If the login requirements are not met, they could technically shut down our time system. Marks stated the Sheriff's Department has been working closely with Hoffmann, IT staff and DOA to find an efficient and cost effective way to comply with the audit. He further discussed the financial details as outlined in the ordinance. Marks assured that this project would be necessary even in absence of the new law requirement.

Falstad requested some written information on the racial profiling issue; Marks and Severson agreed to provide the material. Noting that the audit took place in May 2009, Falstad questioned why so much time has passed before taking action. Marks explained they have been working on this project for quite some time. He discussed the many factors involved in the development of this project. Hoffmann further explained the planning process was extended out so far in part because it was not until July of this year that we received confirmation of the FBI's specific requirements. The technology could not be finalized until requirements were known.

Cummings stated she has a philosophical objection to the racial profiling component and expressed her disagreement with the new law. Zaborowski also voiced opposition to the racial profiling mandate. Tortomasi questioned what the penalties would be if we did not comply. In an effort to address the Committee's concerns, Severson clarified the multiple reasons for this proposed new capital project. Wimmer reasoned that despite his disagreement with the racial profiling law, it is the law and we must comply with the law. We can lobby Madison to repeal this law, but in the meantime, we must comply with it. Marks clarified the cost of the project

remains the same regardless of the racial profiling portion of it. The remainder of the project must go forward to meet the FBI audit directives. Lengthy discussion ensued with focus on the racial profiling component of the project, to which the Committee members continued to voice their concerns.

Tuma noted that if the capital project is not approved and we do not comply with the FBI audit, staffing in the dispatch center would need to be increased by 20-25 people. If officers cannot perform certain duties in their squad cars, much of the burden of the work will be forced upon the dispatch center. Severson stated that IT staff would also be affected, in that security patches/updates would have to be manually installed on each squad on a monthly basis; consequently, this capital project would result in significant overall staffing efficiencies. Hoffmann added that the required patches/updates must be automatic in order to meet the FBI's requirements.

Spaeth advised that this ordinance be approved. Any issues with the state law must be addressed with the state instead of punishing the Sheriff's Department by not approving the ordinance. Wimmer concurred, stating we must give the Sheriff's Department tools they need to do their job as they are required to do at this particular time. Tortomasi agreed, stating while she too disagrees with the racial profiling segment, that we are voting on a capital project that will enable the Sheriff to comply with the FBI's security audit.

MOTION: Wimmer moved, second by Decker, to approve Ordinance 165-O-048.
Motion carried 6-0.

Review Capital Projects in the Proposed 2011-2015 Plan for which the Committee has Budget and Policy Oversight - IT Courts

Item 40: Update and Integrate Courtroom Technology – Madden outlined the progress of this project to date. She explained the issues encountered with the vendor that was hired through the RFP process. The vendor was unable to pull together a vision for this project and did not produce a report in compliance with the RFP; therefore, the contract with the vendor was terminated in August 2010. Tortomasi asked how long this project would be delayed as a result. Madden said the RFP will be reworked and it is anticipated that a new vendor will be hired in November of this year. Davis, who is involved in the process on behalf of the judges, agreed this was the right thing to do.

Ordinance 165-O-049: Accept Homeland Security – FY2008 Program Funding And Modify The Emergency Preparedness 2010 Budget To Appropriate Grant Revenues And Expenditures For Incident Command System Training

Tuma stated this ordinance authorizes the acceptance of \$12,596 in Department of Homeland Security federal funding. The purpose of the grant funding is to provide National Incident Command System (NIMS) training for several Waukesha County municipalities. The funding is expected to cover the costs related to conducting three classes, consisting of twenty students each, as well as other related costs.

MOTION: Cummings moved, second by Wimmer, to approved Ordinance 165-O-049.
Motion carried 6-0.

Decker commented that some constituents in his district routinely object to Department of Homeland Security grants.

Ordinance 165-O-050: Accept Homeland Security-Urban Area Security Initiative FY2007 Program Funding And Modify The Emergency Preparedness 2010 Budget To Appropriate Grant Revenues And Expenditures For Supplemental Portable Generator Funding

Tuma explained this ordinance authorized the acceptance of \$5,000 in supplemental Federal Homeland Security grant funding for the portable generator project. The additional grant funding will be used to purchase a trailer for transporting generator equipment.

MOTION: Decker moved, second by Cummings, to approve Ordinance 165-O-050.
Motion carried 6-0.

Review Capital Projects in the Proposed 2011-2015 Plan for which the Committee has Budget and Policy Oversight:

Tuma reviewed the following capital projects:

- Item 41: Digital Radio System Upgrade – This project, in which the outdated analog system will be replaced, is as planned.
- Item 42: 9-1-1 Phone System – New in 2011, the total project cost is estimated at just over \$1 million. The current 9-1-1 phone system will be replaced with newer technology to meet future requirements.
- Item 43: WCC Console Radio Equipment – This new project will upgrade equipment to make it compatible with the new digital 800 trunked radio system.
- Item 9: Communications Center Expansion – Tuma recognized Cerreta for his contribution on this project. The expansion will accommodate additional municipalities who join the WCC in the future.

Bussler, Cerreta and Keckeisen were present to review the following capital projects:

- Item 3: Northview Upgrades – Bussler briefly reviewed this project, which was first introduced in 2007. Keckeisen stated the infrastructure repairs to the building would provide additional 10-12 years of service. The project will be going out for bid later this year.
- Item 4: Courthouse Future Study – Bussler reviewed the background of this project. Cerreta has prepared a draft of the RFP with input from the judiciary. The project is scheduled to begin in January of 2011 and conclude in November 2011. Cerreta assured the study would be very extensive and cover a wide range of options and alternatives.

Legislative Update

Spaeth stated she will be going to Madison on Wednesday and will meet with other lobbyists to put together their agenda for the next year. She welcomed the Committee members to contact her at anytime with any ideas/suggestions of topics for consideration.

Decker reported that WEAC (Wisconsin Education Association Council) has been notified by the state that a decision regarding the future of Ethan Allen School would be postponed until after the November election.

MOTION: Decker moved, second by Zaborowski, to adjourn at 10:30 a.m.

Motion carried 6-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary